

BABY J

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL CASUALTY COMPANY,

Plaintiff

v.

ROBERT G. PEGG and PEGG & PEGG, LLP.,
 POLLY PRATT GREEN O'DONOOGHUE, ARDEN
 MOULTON, TRACEY WHITNEY, ANTHONY
 MOULTON, JR., TRACEY MOULTON, WADE
 WHITNEY, DEVON WHITNEY, EDWARD WHITNEY,
 THE POLLY PRATT GREEN TRUST f/b/o ARDEN
 MOULTON, THE POLLY PRATT GREEN TRUST f/b/o
 TRACEY WHITNEY, THE POLLY PRATT GREEN
 MARITAL DEDUCTION TRUST, THE POLLY PRATT
 GREEN O'DONOOGHUE LIVING TRUST, THE
 POLLY PRATT GREEN O'DONOOGHUE AND JOHN
 O'DONOOGHUE MARITAL TRUST, LYME COMPANY,
 FRANKLIN B. KIRKBRIDE, INC., KIRKBRIDE ASSET
 MANAGEMENT, INC., TOCQUEVILLE ASSET
 MANAGEMENT, LP, ROTHSTEIN KASS, STUART
 BENDER, PREMIER FOODS, INC., FIFTH AVENUE
 ICE CREAM, INC., CONEY ISLAND HOT DOGS, INC.,
 VINCENT BONOMO, FRANK BONANNO, THEODORE
 J. VITTORIA, JR., VITTORIA & PURDY LLP.

Defendants

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: *11-KI-D6*
 DATE FILED: *11-11-05*

scr
 Case No. 05 CV 7110

HB

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by the undersigned, counsel for Plaintiff, NATIONAL CASUALTY COMPANY ("NATIONAL CASUALTY"), and counsel for Defendant Tocqueville Asset Management, LP, ("TOCQUEVILLE") that all claims alleged in Plaintiff's Complaint shall be dismissed *without prejudice* as to Defendant TOCQUEVILLE, by reason of TOCQUEVILLE'S dismissal without prejudice from the underlying action. NATIONAL CASUALTY'S claims against

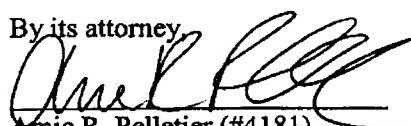
TOCQUEVILLE can be reinstated in this action if TOCQUEVILLE again becomes a

party in the underlying action for any other reason as justice permits. *but only by*

upon further order of this Court

NATIONAL CASUALTY COMPANY

By its attorney,



Amie R. Pelletier (#4181)

Robinson & Cole, LLP

One Boston Place

Boston, MA 01208

(617) 557-5953

-And-

885 Third Avenue

New York, NY 10022

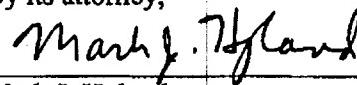
(212) 451-2900

Date:

RECD:
Arnold Baer, Jr., U.S.D.J.
Date: 11/10/05

TOCQUEVILLE ASSET
MANAGEMENT, LP

By its attorney,



Mark J. Hyland

Seward & Kissel, LLP

One Battery Park Plaza

New York, NY 10004

(212) 574-1200

Nov. 1, 2005

SO CILED:

Arnold Baer, Jr., U.S.D.J.